

**UNITED STATES DISTRICT COURT**  
for the  
**District of South Carolina**

United States of America

v.

Billy Leroy Pendergrass

)

) Case No: 4:06-cr-01139-TLW-1

)

) USM No: 14573-171

)

) William F. Nettles IV

) *Defendant's Attorney*

Date of Original Judgment: 05/28/2008

Date of Previous Amended Judgment: \_\_\_\_\_

(Use Date of Last Amended Judgment if Any)

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_.

*(Complete Parts I and II of Page 2 when motion is granted)*

This case does not qualify because Defendant's sentence was based on a Rule 11(c)(1)(C) agreement to 222 months incarceration, rather than the Guidelines. See Freeman v. United States, 131 S. Ct. 2685, 2696-2700 (2011) (Sotomayor, J., concurring); United States v. Duvall, 705 F.3d 479, 484 (D.C. Cir. 2013); United States v. Brown, 653 F.3d 337, 340 (4th Cir. 2011).

Except as otherwise provided, all provisions of the judgment dated 05/28/2008 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: 10/16/2015

s/ Terry L. Wooten

*Judge's signature*

Effective Date: \_\_\_\_\_  
(if different from order date)

Terry L. Wooten, Chief United States District Judge

*Printed name and title*